

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 304 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

SHANTABEN RAMANLAL

Versus

STATE OF GUJARAT

Appearance:

MR BHARGAV N BHATT for Petitioners
MR TH SOMPURA, AGP for Respondent No. 1, 2

CORAM : MR.JUSTICE S.D.DAVE

Date of decision: 24/02/97

ORAL JUDGEMENT

Upon hearing the learned Counsel for the petitioner and learned Govt. Counsel Mr. T.H.Sompura, it appears that, the present petition requires to be granted and the rule issued earlier requires to be made absolute.

The facts are not much in dispute. The four petitioners though belong to different parts in the District of Sabarkantha, within the State of Gujarat,

used to reside at Bombay, at the relevant time. They and certain other plot holders were given the requisite permission for the non-agricultural use of the land. There was some delay in putting the land or the plots for non-agricultural use and, therefore, the proceedings came to be initiated against the present petitioners and the plot holders. The present petitioners could not remain present, as at the relevant time, under very bad circumstances, they were required to remain present at Bombay. The other plot holders came to be heard and the extension came to be granted to them subject to certain conditions. One of the conditions is that, they should pay the penalty equivalent to 40 times the assessment of the land and they should get the extension of six months from the completion of the construction. It appears that, the present petitioners also required to be given the same treatment.

The present petition, therefore, requires to be allowed and the same is hereby accordingly allowed. It is hereby ordered that, the period of six months shall stand extended hereof, subject to the condition that they shall also pay the penalty as has been imposed in the case of other plot holders. Rule is made absolute, with no order as to costs.

It shall be open for the petitioners to approach this Court once again, by taking out the fresh proceedings, if the circumstances so demand in future. Direct service is permitted.
